

PATENT
P56219RE**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: CHUN-GEON CHOI

Original Patent No. 5,828,834 issued on 27 October 1998

Serial No.: 09/697,044

Examiner: SONG, HOSUK

Filed: 27 October 2000

Art Unit: 2135

For: APPARATUS AND METHOD FOR SETTING ID CODE USING A
MICROCOMPUTER IN A DISPLAY DEVICE**DECLARATION IN SUPPORT OF
PETITION UNDER 37 C.F.R. §1.47(b)**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Your undersigned Declarant, in support of the accompanying Petition pursuant to 37 C.F.R. §1.47(b), by Samsung Electronics Co., Ltd., a corporate entity chartered in and existing under the laws of the Republic of Korea, and maintaining its principal office at 416, Maetan-dong, Paldal-gu, Suwon-city, Kyungki-do, Republic of KOREA, respectfully states that:

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I.D.: REB/ny

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STATEMENT OF FACTS

1. Your undersigned Declarant is an employee of Samsung Electronics Co., Ltd., at 416 Maetan-dong, Paldal-gu, Suwon-city, Kyungki-do, Republic of Korea, personally knew the sole inventor, Chun-Geun CHOI, and set forth the following statements made of your Declarant's own knowledge as true.
2. Chun-Geun CHOI is the inventor of the subject matter disclosed and claimed in Korean priority application No. 1994-38285 filed in the Korean Intellectual Property Office on the 30th of December 1994 and No. 1995-51338 filed in the Korean Intellectual Property Office on the 18th of December 1995.
3. For more than one(1) year prior to the filing of Korean priority application No. 1994-38285 on the 30th of December 1994, and until the sometime thereafter, Chun-Geun CHOI was continuously employed as a full-time employee of Samsung Electronics Co., Ltd.
4. On the 30th of October 2000, the inventor, Chun-Geun CHOI signed and dated a patent Declaration in the present application U.S. Serial No. 09/697,044.
5. Myoung-Jin Kim resigned from his employment with Samsung Electronics Co., Ltd., at an uncertain date subsequent to the 30th of October 2000.
6. The subject matter described and claimed in the present application assigned U.S. Serial No. 09/697,044 was conceived and disclosed by the sole inventor, Mr. Chun-Geun CHOI to Samsung Electronics Co., Ltd. during his employment with Samsung Electronics Co., Ltd., and prior to his resignation from his employment with Samsung Electronics Co., Ltd.

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7. The above-captioned U.S. application Serial No. 09/697,044 was filed on the 27 October 2000.
8. Your undersigned Declarant, as a Senior Manager, and a duly authorized employee and representative of Samsung Electronics Co., Ltd., the Assignee of all right, title and interest in and to the above-captioned reissue application, has determined that Mr. Chun-Geun CHOI has moved from his last known address, and your Declarant has unsuccessfully sought to obtain a reliable forwarding address of Mr. Chun-Geun CHOI; due to the fact that Mr. Chun-Geun CHOI is no longer employed by the Assignee, your Declarant has no access to personnel and government information about Mr. Chun-Geun CHOI because of privacy laws and national security restrictions upon such information.
9. The last known address of inventor, Chun-Geun CHOI was Jukong Apt. 27-109 176 Maetan 1-dong, Paldal-ku, Suwon-city, Kyugki-do, Republic of Korea.
10. Pursuant to 37 CFR §3.73(b)(1), Samsung Electronics Co., Ltd, is the owner of all of the right, title and interest in and to the above-captioned U.S. reissue application by virtue of an Assignment from the sole inventor, Mr. Chun-Geun CHOI of all right, title and interest in and to the parent U.S. patent application entitled *APPARATUS AND METHOD FOR SETTING AN ID CODE USING A MICROCOMPUTER IN A DISPLAY DEVICE* assigned Serial No. 581,962, which issued as U.S. Patent No. 5,828,834 on the 27th of October 1998, from which the above-captioned reissue application was filed on the 27th of October 2000 and duly assigned Serial No. 09/697,044, which Assignment was recorded among the Assignment records of the United States Patent & Trademark Office on Reel No. 7996, at Frame No. 0427 on the 29th day of May 1996.

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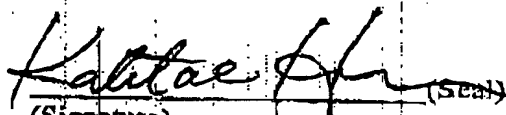
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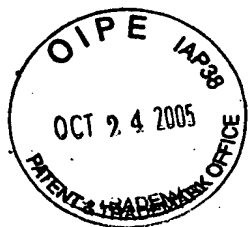
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11. Your Declarant, pursuant to 37 C.F.R. §1.68, having been warned that willful full statements and alike are punishable by fine or imprisonment, or both under 18 U.S.C. §1001, and may jeopardize the validity of the application or any patent issuing thereon, states that all statements made in this Declaration made of the Declarant's own knowledge are true and that all statements made on information and belief are believed to be true.

12. AND FURTHER, your Declarant sayeth not,

Oct 21, 2005
(date)


(Signature)
Kab-Tae HAN
Samsung Electronics No., Ltd.

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In re Application of: CHUN-GEON CHOI

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Examiner: SONG, HOSUK

Filed: 27 October 2000

Art Unit: 2135

For: APPARATUS AND METHOD FOR SETTING ID CODE USING A
MICROCOMPUTER IN A DISPLAY DEVICE**MEMORANDUM OF LAW IN SUPPORT OF
A PETITION UNDER 37 C.F.R. §1.47(b)**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Duke Y. CHOI, Esquire, an attorney regularly registered by and in practice before the Korean Intellectual Property Office for the Republic of Korea, who maintains his law offices at Taekang-Bldg. 3F., 823-8 Yuksam-dong, Kangnam-ku, Seoul, 135-080, Republic of Korea, in support of the accompanying Petition filed pursuant to 37 C.F.R. § 1.47(b), by Samsung Electronics Co., Ltd., a corporate entity chartered in and existing under the laws of the Republic of Korea, and maintaining its principal office at 416, Maetan-dong, Paldal-gu, Suwon-city, Kyungki-do, Republic of Korea, respectfully petitions the Commissioner to receive the accompanying Declaration signed by duly authorized Officer of Samsung Electronics, Co., Ltd., states that:

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P56219RE**STATEMENTS**

This statement is to certify that the ownership of the invention, "*APPARATUS AND METHOD FOR SETTING ID CODE USING A MICROCOMPUTER IN A DISPLAY DEVICE*" belongs to Samsung Electronics, Co., Ltd. under Articles 37 and 38 of the Korean Patent Law because the present invention was invented during the period of employment of the sole inventor, Mr. Chun-Geun CHOI, by staying as Samsung Electronics, Co., Ltd.

The subject invention was filed with the U.S. Patent & Trademark Office on 27 October 2000 claiming priority based upon Korean patent application Serial No. 1994-38285 filed in Korea on the 30th of December 1994 and No. 1995-51338 filed in Korea on the 18th of December 1995.

The statutory law of the Republic of Korea governing the ownership of domestic and foreign patent rights is set forth in Articles 37 [Transfer of the Right to Obtain a Patent] and 38 [Succession to the Right to Obtain a Patent], which state:

Article 37 [Transfer of the Right to Obtain a Patent]

- (1) The right to obtain a patent may be transferred.
- (2) The right to obtain a patent shall not be the subject of a pledge.
- (3) In the case of joint ownership of the right to obtain a patent, a joint owner shall not assign his share without the consent of all the other joint owners.

Article 38 [Succession to the Right to Obtain a Patent]

- (1) The succession to the right to obtain a patent before the filing of the patent application shall not be effective against third persons unless the successor in title files the patent application.

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(2) Where two or more applications for a patent are filed on the same date on the basis of a right to obtain a patent for the same invention derived by succession from the same person, the succession to the right to obtain the patent by any person other than the one agreed upon by all the patent applications shall not be effective.

(3) Paragraph (2) shall also apply where a patent application and a utility model application are filed on the same date, on the basis of the right to obtain a patent and utility model registration for the same invention and device which has been derived by succession from the same person.

(4) The succession to the right to obtain a patent after the filing of the patent application shall not be effective unless the applicant files a notice of change of applicant, except in the case of inheritance or other general succession.

(5) Upon inheritance or other general succession with respect to the right to obtain a patent, the successor in title shall notify the Commissioner of the Korean Industrial Property Office accordingly without delay.

(6) Where two or more notifications are made on the same date, on the basis of a right to obtain a patent for the same invention that has been derived by succession from the same person, a notification made by any person other than the one agreed upon after consultations among all the persons who made notifications shall not be effective.

(7) Article 36(6) shall apply *mutatis mutandis* to the cases under paragraphs (2), (3) or (6).

The accompanying Declaration by a co-worker employed by Samsung Electronics, Co., Ltd., who has personal knowledge of the facts, establishes that the subject matter disclosed claimed in the application assigned U.S. Serial No. 09/697,044 filed in the U.S. Patent & Trademark Office on 27 October 2000, was conceived during the employment of the sole inventor, Mr. Chun-Geun CHOI by Samsung Electronics, Co., Ltd., prior to his resignation from that employment.

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Based upon examination of the precedent set forth in judicial and statutory law of the Republic of Korea, and my familiarity of the law of the Republic of Korea, that a code of competent jurisdiction with Republic of Korea would, by the weight of authority in the Republic of Korea, award title to the invention disclosed and claimed in U.S. Serial No. 09/697,044 to Samsung Electronics, Co., Ltd., under Articles 37 and 38 reproduced above.

Respectfully submitted,

October 21, 2005
Date:

Duke Y. Choi
Duke Y. CHOI
Attorney for the Applicant

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